



General Assembly

January Session, 2005

**Amendment**

LCO No. 6466

**\*HB0680406466HR0\***

Offered by:

REP. GREENE, 105<sup>th</sup> Dist.  
REP. SAYERS, 60<sup>th</sup> Dist.  
REP. PISCOPO, 76<sup>th</sup> Dist.  
REP. WILLIAMS, 68<sup>th</sup> Dist.  
REP. DELGOBBO, 70<sup>th</sup> Dist.  
REP. D'AMELIO, 71<sup>st</sup> Dist.  
REP. BEAMON, 72<sup>nd</sup> Dist.  
REP. JOHNSTON, 51<sup>st</sup> Dist.

REP. RUWET, 65<sup>th</sup> Dist.  
REP. LABRIOLA, 131<sup>st</sup> Dist.  
REP. HARKINS, 120<sup>th</sup> Dist.  
REP. HAMZY, 78<sup>th</sup> Dist.  
REP. NAFIS, 27<sup>th</sup> Dist.  
REP. KEELEY, 129<sup>th</sup> Dist.  
REP. WILBER, 63<sup>rd</sup> Dist.

To: Subst. House Bill No. 6804

File No. 205

Cal. No. 197

**"AN ACT CONCERNING RESTAURANT SAFETY."**

1 In line 6, after "in" insert "both the nonsmoking and designated  
2 smoking areas of" and after "establishment" insert "and"

3 After the last section, add the following and renumber sections and  
4 internal references accordingly:

5 "Sec. 501. (NEW) (*Effective October 1, 2005*) For the purposes of  
6 sections 501 to 505, inclusive, of this act, "designated smoking area"  
7 means a separate area of no more than fifty per cent of the square  
8 footage of a bowling establishment, special sporting facility permit cafe  
9 or tavern permit premises having: (1) Either a physical barrier or an air  
10 barrier system that creates an air curtain to prevent drift or penetration

11 of tobacco smoke from a smoking area to a nonsmoking area; and (2)  
12 an air ventilation and purification system that has the capacity of an  
13 electrically powered hospital grade HEPA Media Filter that cleans all  
14 the air in a designated smoking area at the minimum of the American  
15 Lung Association's standards and the commercial air cleaner  
16 manufacturers' recommended range of six to ten air changes per hour  
17 and filters not less than ninety-five per cent of three-tenths micron  
18 particulates efficiency, including dust, pollen, mold spores, bacteria,  
19 tobacco smoke and allergens and not less than ninety-five per cent  
20 removal of gases, vapors, volative organic compounds and odor.

21 Sec. 502. (NEW) (*Effective October 1, 2005*) (a) Notwithstanding the  
22 provisions of section 19a-342 of the general statutes, as amended, a  
23 bowling establishment permittee, pursuant to section 30-37c of the  
24 general statutes, special sporting facility permit pursuant to section 30-  
25 33b of the general statutes, cafe permittee, pursuant to section 30-22a of  
26 the general statutes or tavern permittee, pursuant to section 30-26 of  
27 the general statutes may permit smoking in designated smoking areas  
28 if such permittee obtains a smoking permit from the Commissioner of  
29 Consumer Protection to allow smoking in such areas.

30 (b) The Commissioner of Consumer Protection may issue a smoking  
31 permit to a bowling establishment, special sporting facility, cafe or  
32 tavern to allow smoking (1) in a designated smoking area; or (2) on the  
33 entire permit premises, if (A) the permit premises has less than two  
34 thousand square feet of space available for use by the public, (B) its  
35 food sales represent thirty per cent or less of its gross sales, and (C) it  
36 complies with the provisions of subdivision (2) of section 501 of this  
37 act.

38 (c) Upon application or renewal of its liquor permit, a bowling  
39 establishment, special sporting facility, cafe or tavern that has a  
40 designated smoking area or that allows smoking pursuant to  
41 subsection (b) of this section shall provide the Department of  
42 Consumer Protection with proof that the air barrier system and air  
43 ventilation and purification system for the designated smoking area

44 are operating and being maintained.

45 (d) The annual fee for a smoking permit shall be two hundred fifty  
46 dollars.

47 Sec. 503. (NEW) (*Effective October 1, 2005*) (a) A bowling  
48 establishment permittee, special sporting facility permittee, cafe  
49 permittee or tavern permittee with a smoking permit issued pursuant  
50 to subdivision (1) of subsection (b) of section 502 of this act shall  
51 provide access to restrooms through the nonsmoking area of the  
52 premises. Smoking shall be prohibited in the restrooms.

53 (b) A bowling establishment permittee, special sporting facility  
54 permittee, cafe permittee or tavern permittee with a smoking permit  
55 shall conspicuously post, at all entrances, a two foot by three foot sign  
56 stating: "SMOKING IS PERMITTED IN DESIGNATED AREAS IN  
57 THIS ESTABLISHMENT".

58 Sec. 504. (NEW) (*Effective October 1, 2005*) (a) On and after the  
59 effective date of this section, a bowling establishment permittee,  
60 special sporting facility permittee, cafe permittee or tavern permittee  
61 with a designated smoking area shall allow its employees the option of  
62 working only in the nonsmoking portion of the establishment. Such a  
63 permittee who fails to allow such option shall be subject to a civil  
64 penalty of two thousand dollars for each offense. After a third offense,  
65 such permittee shall be subject to the revocation of its liquor permit by  
66 the Department of Consumer Protection pursuant to section 30-47 of  
67 the general statutes.

68 (b) On and after the effective date of this section, a bowling  
69 establishment permittee, special sporting facility permittee, cafe  
70 permittee or tavern permittee with a smoking permit shall inform  
71 prospective employees that such permittee has a smoking permit and  
72 that the second-hand smoke within the permit premises may be  
73 harmful to such prospective employee's health. The permittee shall  
74 require each new and existing employee to sign a statement that such  
75 employee has been so informed.

76 (c) A bowling establishment permittee, special sporting facility  
77 permittee, cafe permittee or tavern permittee with a smoking permit  
78 for a separate smoking area shall post a sign in a conspicuous location  
79 within the permit premises notifying employees of their right to work  
80 in a nonsmoking environment in a permit premises with designated  
81 smoking areas.

82 Sec. 505. (NEW) (*Effective October 1, 2005*) The Department of  
83 Consumer Protection, as part of its routine inspections of permit  
84 premises, shall inspect the air barrier system and air ventilation and  
85 purification system required in a designated smoking room of a  
86 bowling establishment permittee, special sporting facility permittee,  
87 cafe permittee or tavern permittee that holds a smoking permit  
88 pursuant to section 502 of this act. The department shall determine if  
89 such systems are operating and are being maintained within the  
90 manufacturer's required maintenance schedules. The department shall  
91 also inspect maintenance logs kept by such permittees. Failure to pass  
92 three such routine inspections of permit premises shall result in a two-  
93 thousand dollar civil penalty.

94 Sec. 506. Subsection (b) of section 30-6a of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective*  
96 *October 1, 2005*):

97 (b) More specifically, with respect to part V of this chapter, the  
98 Department of Consumer Protection may adopt in accordance with the  
99 provisions of chapter 54 regulations that are necessary to (1) carry out  
100 the purposes of section 30-64 and prevent the circumvention thereof by  
101 the offering or giving of any rebate, allowance, free goods, discount or  
102 any other thing or service of value; (2) permit the withdrawal of, an  
103 addition to, a deletion from or an amendment of any schedule, or a  
104 modification of prices therein, when not inconsistent with the  
105 purposes of said section 30-64, whenever necessary to avoid practical  
106 difficulties or unnecessary hardships to any permittee affected by said  
107 section 30-64 or because of acts or circumstances beyond the control of  
108 such permittee and under such terms and conditions as are necessary

109 to carry out the purposes of said section 30-64; (3) permit the sale by a  
110 retailer of a brand of alcoholic liquor or wine for which a schedule of  
111 suggested consumer resale prices has not been and cannot be filed,  
112 whenever necessary to avoid practical difficulties or unnecessary  
113 hardships to any permittee affected by said section 30-64 or because of  
114 acts or circumstances beyond the control of such permittee, and under  
115 such terms and conditions as are necessary to carry out the purposes of  
116 said section 30-64; (4) subject to the provisions of section 30-63e, permit  
117 the closeout of a brand for the purpose of discontinuing its sale, under  
118 such terms and conditions as are necessary to carry out the purposes of  
119 said section 30-64; (5) carry out the purposes of sections 30-68k to 30-  
120 68m, inclusive, and section 30-76a and prevent their circumvention; (6)  
121 on verified application, and for good cause shown, permit any  
122 adjustment or change of any item on the schedule required to be filed  
123 under section 30-63 and said section 30-64; [and] (7) permit the sale at a  
124 price which is less than cost by a supplier, wholesaler or retailer for  
125 any item of alcoholic liquor, except beer, that is damaged or  
126 deteriorated in quality, or, subject to the provisions of section 30-63f,  
127 permit the closeout of a brand or size for the purpose of discontinuing  
128 its sale, under such terms and conditions as are necessary to carry out  
129 the purposes of sections 30-68k to 30-68m, inclusive, and section 30-  
130 76a; and (8) carry out the provisions of sections 501 to 505, inclusive, of  
131 this act.

132 Sec. 507. Subdivision (4) of subsection (a) of section 31-40q of the  
133 general statutes is repealed and the following is substituted in lieu  
134 thereof (*Effective from passage*):

135 (4) "Business facility" means a structurally enclosed location or  
136 portion thereof at which employees perform services for their  
137 employer. The term "business facility" does not include: (A) Facilities  
138 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection  
139 (b) of section 19a-342; (B) any establishment with a permit for the sale  
140 of alcoholic liquor pursuant to section 30-23 issued on or before May 1,  
141 2003; (C) for any business that is engaged in the testing or  
142 development of tobacco or tobacco products, the areas of such business

143 designated for such testing or development; or (D) during the period  
144 from October 1, 2003, to [April 1] October 1, 2004, establishments with  
145 a permit issued for the sale of alcoholic liquor pursuant to section 30-  
146 22a or 30-26 or the bar area of a bowling establishment holding a  
147 permit pursuant to subsection (a) of section 30-37c.

148 Sec. 508. (NEW) (*Effective October 1, 2005*) Each food service  
149 establishment in this state shall post in the designated smoking area of  
150 such establishment and in a place that is visible to employees of such  
151 establishment a sign that contains the same warning that the Surgeon  
152 General requires to be on a package of cigarettes."